

Dannemora Salt Contamination

1. Hello, my name is Cheryle Saltmarsh – I live in the hamlet of Ledgers Corners, in the Town of Dannemora, Clinton County. Our home is located at the corner of Plank Road & Route 374, directly across the street from a long-time NYSDOT facility.
 - *This account will document that a long-time NYSDOT facility has caused a public health impact AND environmental impact AND how incompetent and unorganized this whole matter with the NYSDOT was from start to pending finish.*
 - *There is clearly no accountability or monitoring of very bad operation and maintenance procedures on the part of NYSDOT and NYSDEC.*
 - *There is NOT enough authority given to agencies responsible to help protect the public and the environment, like the Local Health Department, NYSDOH, NYSDEC, USEPA.*
 - *Outside firms should be in charge of monitoring contamination sites and NOT the entity potentially causing the contamination.*
 - *There is NO clear chain of information, direction OR communication to the public.*
 - *Procedures and guidelines need to be established to move these serious issues along faster, such that the impacts to good NYS citizens are minimized.*
 - *Residents should NOT have to suffer and go through what WE have been through just to have clean drinking water.*
2. In the spring of 2012, we noticed the water from our home water supply well tasted very salty, while the joints of our home water pipes were turning green. Accordingly, we decided to have a sample of our well water tested at Endyne Lab, in Plattsburgh, NY. Testing of our well water revealed salt compound concentrations nearly as elevated as that of ocean water.
3. What followed next was 4 years of frustration, disappointment and total disbelief regarding “the government system” – The lack of any person or State Government agency or department to protect us and our environment.
4. We spoke with a consultant (*John Woodard, Fresh Water Systems*) about a reverse osmosis water treatment system to install in our home, only to find out that such would cost us thousands of dollars because the concentration of sodium and chloride were so high. In addition, such system would require a separate room dedicated to

install the system components, while we would also need to find a means to dispose of the system byproduct-contaminated water (SEE Estimate Attached-**Exhibit 1**).

5. We then proceeded to speak with Ormsby Well Drilling regarding a replacement water supply well – Again, the cost for such was very high, while there was NO guarantee that the replacement well would yield drinkable water, as Mr. Ormsby told us other local residents had already had 2 deeper replacement wells drilled, only to yield salt contaminated water.
6. At this point, I decided to go door to door to try and find out how many of our neighbors were also impacted by this drinking water problem and also try to locate the source of the salt contamination. Please recognize, I knew nothing about salt contamination at this point in time and I had only been living up in Dannemora for about a year and did not know any of our neighbors.
7. When contacting the neighbors, I was informed that this problem had existed for a long time and that the NYSDOT NYSDEC was aware of the problem from back in June 1997 (SEE copy of letter sent from NYSDEC to Geraldine Huntley - **Exhibit 2** attached). Other neighbors had complained to the NYSDOT over the years but nothing was ever done. They tried to approach the NYSDOT individually, only to be regularly dismissed.
8. I then decided to start contacting Agencies such as the NYSDOH, NYSDEC, NYSEFC, USEPA, NYSDOT and Assemblywoman Janet Duprey’s office, among others, to see if they could help with the problem. I was laughed at by some parties and told – *“Well, I don’t know what you expect us to do to help you.”*
9. I was told to FOIL REQUEST specific NYS documents that I wanted and also told that I was denied access to Foil Request Documents. With the exception of the Clinton County Health Department, who completed initial testing of our well water, a number of local agencies never called us back or just refused to help AND refused to meet with us.
10. From additional research, we discovered that a salt brine storage tank at the NYSDOT facility was previously punctured in the parking lot, discharging salt brine onto the ground. We have learned that the bedrock aquifer in our area is so contaminated that it will likely take decades to flush out.

11. I organized a small group of homeowners who also had contaminated water wells and we started this very long process. We held public meetings; we sent out letters to other residents, we contacted State Senator Betty Little as well as former US Congressman Bill Owens and the USEPA. We learned from the USEPA that road salt contains cyanide!!! – Specifically, sodium ferro-cyanide, which is used to reduce clumping of the road salt.
12. Our contact from the USEPA strongly recommended we have our well water also tested for cyanide, which would additionally prove the salt contamination originated at the adjacent NYSDOT facility. In addition to being very surprised, we very worried about the possible long-term health effects from cyanide in our well water.
13. We had our water tested again with the Clinton County Health Department on 3/30/12 (SEE Report Attached – **Exhibit 3**), which showed cyanide was indeed detected in our well water. We then called for a meeting with local homeowners, NYSDOT, NYSDEC, County Health Department, Town Supervisor, Board Members, Attorney General, Senators, Congressman, and representatives etc.
14. We (the homeowners group) approached the Town of Dannemora to have a letter put into a Town newsletter to reach-out to other local residents that I was not able to make contact with – This effort would serve to: (1) notify local residents of the problem; (2) who they could contact to have their well water tested and; 3) how to contact the NYSDOT.
15. When I went before the board to get approval for this sensible effort, my request was tabled till the end of the meeting - I was called into an Executive Closed-Door Session with the Town Supervisor and Town Board.
16. One Town Board member (*our current Town Supervisor*) openly voiced his strong disagreement regarding our request - He told me I would be scaring the residents and threatening them by sending out this notice (See **Exhibit 4**). Fortunately, I was able to get the support of the other Town Board members and the letter was sent out.
17. With assistance from Clinton County Emergency Services and John Kanoza, with the Clinton County Health Department, we were able to secure a 500 gallon Portable Water Buffalo (Tank) to provide a source of drinking water for the local residents, which we had erected on the corner of our lot. Although this measure was helpful, the water in the tank froze a number of times in the cold March/April weather – We subsequently had to relocate the tank into one of the neighbor’s heated garages.

18. In the spring we realized that the Water Buffalo was not going to be enough water for everyone, so NYSDOT decided they would bring us a tanker for water, what they brought was an old army tanker. This smelled like gasoline, was dirty and we could not get water out of it, animals got sick and we said we would not use this tanker (See **Exhibit 5**).
19. Working with the Clinton County Health Department, we then received a larger potable water tanker from SEMO for residents to obtain drinking water. (See Photo Attached – **Exhibit 6**). Although we were grateful for this temporary water supply, the large tanker presented other problems – It needed to be kept clean, chlorinated, with fresh water added at the Clinton Correctional facility every few days.
20. After a few weeks using the tanker, we were told by SEMO that we could not keep this truck forever, as it was needed for other emergencies. After making a few calls, I found out that there were at least 3 other SEMO tanker trucks located in a State facility in the Albany area not even being used, I was told to call Homeland Security to request keeping the tanker for the local residents. Through my additional persistence, we were able to keep the water supply tanker for a number of additional weeks.
21. Please know, the residents impacted by salt contaminated well include TWO farms with animals, several individuals with children, and a number of elderly, some of which have severe health problems and are wheel-chair bound. The farms had to haul tankers of water to their barns daily for the animals.
22. When the weather was too cold, the tanker was relocated across the street into the NYSDOT garage with a hose-port extended to the outside for local residents to continue to access drinking water.
23. On Thanksgiving Day, 2013, we went over to NYSDOT facility to fill up our large water tanks to haul to the barn and there was no water. We had no choice but to travel down the road to Chazy Lake, in freezing temperatures, to fill our water tanks and bring back to the barn to water our cattle.
24. Meanwhile NYSDOT had started their own water well testing effort AFTER they required us local residents to submit our test results to them to prove our water was indeed contaminated. The NYSDOT also told us the salt in our water, was like Morton's Table Salt. What a Joke, that salt has no cyanide in it. The NYSDOT then retained their 1st engineering company (Schumacher Engineering) to test our water supply wells (See **Exhibit 7**), ask us questionnaires, and in some cases verbally imply

that we may have contaminated our own wells with swimming pool water, household waste, etc.

25. After the engineering company took months to confirm our residential water wells were salt contaminated, the NYSDOT then asked Schumacher Engineering to complete a preliminary study (Map, Plan and Report) which was released in January 17, 2014.
26. In the months leading up to this effort being completed, we now had to secure an alternate water supply as winter was closing in. The NYSDOT hired a company to deliver bottled-water to our homes - This first company was very unreliable, they did not complete water deliveries when scheduled, they did not deliver the quantities that were scheduled - We were constantly calling NYSDOT to obtain water, and eventually the NYSDOT retained another water delivery company (Frosty Springs).
27. During this entire time, we have had to endure BROKEN: water pipes, clothes washers, dishwashers, water pumps, faucets, toilets, and hot water heaters, ALL failing due to the salt contamination in our water. On a few occasions, residents returned home to find flooded basements and failing hot water heaters catching fire. Turning on a faucet would sometimes result in water spray hitting you in the face, because the pipe had ruptured and discharged water under the sink due to a pipe connection break.
28. Our well water CANNOT be used to cook or make a pot of coffee – We must import ALL of our drinking water and culinary use water. Meanwhile, we are all still bathing, washing and clothes-washing with the salt contaminated water. We have no idea how such long-time salt contaminated water use will affect us - Who really knows?
29. After years of meetings, the Final Map Plan and Engineering Report was finally issued, the NYSDOT refused our help at almost every point of the way. The NYSDOT has refused to talk to local people who know the area soils and geology – On a few occasions, the NYSDOT indicated they were trying to contact people, who they said would not get back to them – The NYSDOT did not realize the people they were trying to contact were previously deceased.
30. For us to have a water supply, we discovered we would need to have a Water District - The Town of Dannemora subsequently formed a Water District. We were required to have public hearings and much discussion regarding how the district would function and who would pay for water usage, etc. NYSDOT finally committed to

installing a water line from the Clinton Correctional facility, up Dannemora Mountain and to all the impacted residents of the Ledgers Corners Hamlet, including the homes located along Route 374, part-way down Plank Road, Dubrey Road, and Varin Road.

31. The results of recent investigations revealed that the NYSDOT cannot sleeve the new water main within an existing-historic aqueduct (extending from Chazy Lake to the Village of Dannemora) as they had initially planned. Accordingly, the project cost has increased significantly and now the NYSDOT has requested that the Town of Dannemora request separate additional grant funding to support the project.
32. Regarding the operation of the NYSDOT facility across the street from our home, we have learned they have never had the proper permits for salt storage at their facility – Even after our (local resident) objections (SEE Letter Attached – **Exhibit 8**) to the NYSDOT Permits applications submitted to the NYSDEC, they continue to maintain salt storage at their facility.
33. The NYSDOT has NOT complied with NYSDEC Requirements and in-fact, the NYSDEC issued a Violation for the NYSDOT facility (See **Exhibit 9**) – The NYSDEC has not yet followed up after that date for site inspections, even though we made regular communications with the NYSDEC regarding NYSDOT road salt handling (*dumping a load of salt on the ground and back bladed it all over the parking lot*).
34. This spring I decided to further research NYSDOT filing of paperwork and testing requirements – I discovered that the NYSDOT was again in violation of NYSDEC requirements, but the NYSDEC never issued any violations, inspections, warning, etc.
35. Now the NYSDEC is the giving the NYSDOT time to re-permit and have a public hearing regarding their Facility Permit. The NYSDEC sent a staff-person to the NYSDOT facility in June, after my repeated communications to them regarding NYSDOT non-compliance while in operation (operating months are November to April).
36. The NYSDEC has indicated to me that they do NOT have the manpower and resources to complete site inspections at the NYSDOT facility – We found this unbelievable, given that operations at this NYSDOT facility has previously resulted in the road-salt contamination of over 80 homes and local stream surface waters, costing millions of dollars for a new water line.

37. Through all of this time, the NYSDOT has not yet started the water-line installation project - One stall after the other, delay after delay, misinformation, refusing to talk to me now that the water district is formed – The NYSDOT representatives will only speak with the new Supervisor of Dannemora, who I must remind you, is the board member who never wanted the water line project to be completed.
38. Our Town Supervisor refuses to notify of us of meetings, calls us ½ hour before a meeting is to start and says there is a meeting today at 12:00 and we are at work an hour away, when he in fact, knew about the meeting 2 weeks ago, never sent us an email, left message on our phone, had secretary call us, etc.
39. Our Town Supervisor will not return calls or give us information on the progress - When I strongly pushed, a while back I received an updated schedule that was changed on August 20, 2015 and again on October 20, 2015 and he finally gave the schedule to me on March 22, 2016 (almost 6 months old at that point – Exhibit 10).
40. The NYSDOT now decides to hire a new engineering company to complete the water-main project design, instead of the company that has already done all the work and is most familiar with the project details – As you can understand, this put us behind again. The specific DOT staff-person that we previously communicated with has moved on to a new position and no NYSDOT representative has been assigned to take her place - Months go by with the NYSDOT not communicating with us, doing nothing and assigning a low-level staff-person to try to pick up the pieces – The new NYSDOT staff-person has no answers and the matter is over his head – Such only delays the project further.
41. The Town of Dannemora Supervisor wishes to hire a *Clerk of the Works* to ensure the water line project is completed properly – The NYSDOT refuses to pay for such. My research on this matter has revealed that we (the Town) are a member of NY Rural Water – According to NY Rural Water, this service would cost the Town nothing, but they will only look at the plans and try to advise and help, they cannot be a full-time clerk. Currently, The Town Supervisor plans to charge the cost for the full time Clerk of the Works to our Water District – You must know our residents cannot afford that. On 8/25/16, I was informed by the Town of Dannemora Supervisor that we now have to pay \$450.00 per year for a fiber optic cable line being hooked to the telephone poles to go between the pump stations to talk to each to make the system work. This is being charged to the water district. Again NYSDOT failed to foresee this in the plans and now the residents have to pay for this charge.

42. As it is, we are being forced to pay for operation and maintenance (O&M) for the water line and a fee for the water. While we have already paid for our own water supply wells to be drilled and in some cases 2 water wells that are now useless. We are told we will get no compensation for all our damages until AFTER the water line is installed because we are having ongoing breakages every day and we can only provide one claim to NYSDOT for all our damages.
43. At a public meeting, homeowners were told by the NYSDOT to keep all their appliances, broken pipes, faucets, etc., that had to be replaced and receipts when they replaced them. One resident had several failed appliances staged outside of his home - The Town Code Enforcement Officer visited him and demanded that he remove such OR he would be fined. Ultimately, we met with the Town Supervisor to request that the Codes Office cease hassling the homeowners - We asked DOT if we could take pictures, rather than keep the actual broken appliances to get reimbursed for damages after the water line is installed.
44. We have asked Governor Cuomo for a meeting now almost every year and he has refused to come meet us – Governor Cuomo has been in Dannemora and other local towns but will not come and see the damages and destruction the NYSDOT salt storage facility has caused, including pollution to our properties and local streams. I have submitted a request to the Governor again to meet with him in his Albany office, 4 months ago, with no contact back yet, but I have been denied 3 times before.
45. We have had to fight with the Assessment Board regarding our property taxes - Our property is documented as contaminated and should be taxed at a reduced rate (See [Exhibit 11](#)), but the Town of Dannemora refused to give us credit (See [Exhibit 12](#)). I moved our case to the Supreme Court in Clinton County and was successful getting our assessment reduced. Then the Assessor wrote a letter to the judge which was full of inaccuracies (See [Exhibit 13](#) and our [Rebuttal Letter to Judge Attached](#), See [Exhibit 13A](#))
46. Some of our local elderly attended *Town (Property Tax) Grievance Day* and were told they could do nothing for them, when in fact they were given evidence. Our elderly do not understand the procedures or means to present to Court.
47. When I attempted to accompany an elderly homeowner to help, the Grievance Board of Assessments told me I could not talk for them, because I do not own their property. I have learned that local home owners cannot obtain approval from banks for loans (See [Exhibit 14](#) Bank Denial Letter) – In summary; one cannot sell their home without

having a potable water supply. (See Exhibit 15 of Private well Testing attached). One resident has lost the sale of his home twice this year, because he has no potable water. When local assessment boards can refuse to give tax breaks on contaminated property even though they have the documented proof and presidents have been set, something is not working properly.

48. The water-line project was supposed to be completed this year (2016) – The project is at least one year behind (as the NYSDOT indicated to me) BECAUSE of the 2015 Clinton Correctional prison-break. During this time, the design engineer has indicated the NYSDOT will not give them the information they require. The project plans have been with the new design engineer for a year now.
49. You probably know, our specific well-water salt contamination problem is not the only site in NYS that has been similarly impacted by an adjacent NYSDOT facility - Other NYS Towns are dealing with the same problems and lack of cooperation from the NYSDOT. Because of NYSDOT poor maintenance and facility operation, and the lack of government agencies being able to enforce appropriate strict guidelines and fines to sister agencies, this public health and environmental impact problem is going unchecked by all unless you have someone willing to challenge such.
50. It is MY OPINION that the NYSDOT SPDES Permit (which is up for renewal now), and related monitoring and testing should be completed by an outside firm, as the NYSDEC is clearly not capable of properly overseeing this matter. It is also my opinion that stronger REGULATIONS need to be established, and this process moved along much more responsively (quicker) for other towns that have this problem.
51. It should not take 5 YEARS to obtain drinking water. Residents should NOT be treated like they created the problem OR that they are part of the problem. Agencies that are put in place should be allowed to help and not be told to “stay away from this situation” or be threatened of their job loss if they try to help. I feel the NYSDOT has been given too much authority in these situations and the bullying, rude treatment of people is totally unacceptable.
52. When you are told by the Attorney General that he cannot help us because - If we were to sue the DOT he would have to defend them in a case because he works for the State of NY and their entities – This totally wrong. New regulations, procedures and guidelines need to be put in place.

53. I have 48 pages of hand written notes with contact info and times I spoke to them and conversation, I have over 1,700 emails, completed a video on YouTube regarding the road salt contamination, and also started an online petition at Change.org that has over 1800 signatures on it and pages of comments that was delivered to the Governor - Still the Governor refuses to meet with us.

54. I have attended meetings at Paul Smiths College, met with various newspapers, government agencies and departments, spoke at the local legislative meeting, had numerous meeting with homeowners, Senators & Congressmen as well as many others to try to find a solution to this very frustrating and overwhelming situation for so many.

Thank you for your time & any help in this matter!

ADDITIONAL ATTACHMENTS:

- Adirondack/Council Report
- The Clean Water Act



Fresh Water Systems

85 Commerce Center
Greenville, SC 29615
Phone: (864) 284-1822
Fax: (864) 284-1819

March 23, 2012

Cheryle Saltmarsh
10 Plank Rd
Ellenburg Depot, NY 12935

RE: Whole House Water System for Severe Brackish Well Water

Dear Cheryle,

I have laid out a water system based solely on the information provided by conversation with you and a water test report dated 9/20/2010 that only showed results for total dissolved solids (TDS) 11,000 mg/L, and hardness 1100 mg/L (64.32 gpg) To ensure all conditions are adequately addressed in a system design, a complete raw water analysis must be completed prior to a completed quote. Water usage demand and flow rate requirements will have to be calculated to ensure the sizing of this equipment is correct as well.

The prices quoted are estimates and are system components only. They do not include shipping or installation parts or costs which will have to be contracted locally. (Labor)

Scope: To reduce the salt intrusion and treat the water to a quality that is usable. This will require several steps and components. I have diagramed a basic flow process in components that I will identify by step. At this point I am making assumptions and when able to see actual raw well test results, these components may need alteration to accommodate unforeseen water conditions such as pH and iron concentration.

My suggestion surrounds a whole house reverse osmosis (RO) system. The RO is specifically designed to be able to handle 11,000 mg/L of dissolved solids and works on very high pressure to adequately reduce the TDS to usable levels. Significant pre-treatment is required to keep the RO membrane from fouling and failing prematurely.

Please understand that this is purely an estimate based on known and assumed conditions.

Provided later in this package is the component price breakdown including approximate on-going maintenance costs. Without a raw water analysis, this is a minimum layout and the component list could shrink or grow. Some of the material costs are estimates and does not account for increases by the time rebeds or replacements are necessary.



System Flow Path by Component:

1. **Multi-Depth Filter.** This could be optional depending on dirt and sediment load from well. This is a backwashing Multi-Depth Filter that filters down to 25 micron. Media life is 3-7 years. An alternate could be a simple drop-in type cartridge filter.
2. **Backwashing Birm Filter.** Birm acts as an insoluble catalyst to enhance the reaction between dissolved oxygen and the iron causing the iron to become insoluble and captured in the media. Iron has to be removed prior to the RO system. This unit's performance will depend on the amount of dissolved oxygen and the pH level which are unknown at this time.
3. **Chemical Feed System.** The RO requires iron and hardness be removed to function properly. Due to the extreme level of sodium present in the water, a typical ion exchange water softener (Easiest and most economical way to remove hardness) will not function. In order to protect the RO membrane, this system will feed phosphate into the water which will keep the hardness from scaling the membrane. The feed system comprises a feed pump that doses a precise amount of phosphate as water flows through the system. Phosphate sequesters the hardness causing minerals keeping them in solution.
4. **1500 GPD Brackish Water Reverse Osmosis System.** It is designed to work on TDS levels up to 12,000 ppm utilizing one 4" x 40" brackish water membrane. It needs a 220V Single phase service. The system works with high pressure @ 450 psj actual production around 700 – 900 GPD. Equipped with onboard prefilter, pump, flow meters for permeate and concentrate, tank level input and TDS monitoring. The pre filter will need replaced every 12 months and membrane approximately every 3 – 5 years depending on pretreatment.
5. **pH Adjustment Filter.** RO will reduce pH typically by one full point which can make the water aggressive. This is a calcite filter that will buffer pH back to neutral. The Calcite media will slowly dissolve and will need to be replaced annually.
6. **200 Gallon Storage Tank.** Since the RO will not flow fast enough to handle household demand a storage tank is required to accumulate the RO water so it is available for peak demand. Water will flow into the tank until a float switch tells the RO system to shut-off when full.
7. **Booster / Repressurization Pump.** In order to provide pressure and flow rates to the house the ¾ hp RP pump draws water from the storage tank and delivers to the house. Pump is equipped with an on-board pressure switch which turns the pump on and off when water is demanded.
8. **5 Micron Prefilter.** After water sits in a storage tank it should run through a disinfection process prior to household use. This prefilter ensures the water passing through the Ultra-Violet disinfection system is as clear and clean as possible. It is simply to protect the UV in the event any debris comes out of the storage tank.
9. **Ultra-Violet (UV) Disinfection System.** The final stage of water treatment is the UV system. UV inactivates microorganisms providing up to 6-log reduction based on flow rate and bulb intensity.



Once a raw water analysis is completed and water demand is known a more definitive quote can be given. For the purpose of having a basic idea of costs associated with a system of this nature these components were selected on a worst case scenario.

Costs NOT included in this estimate:

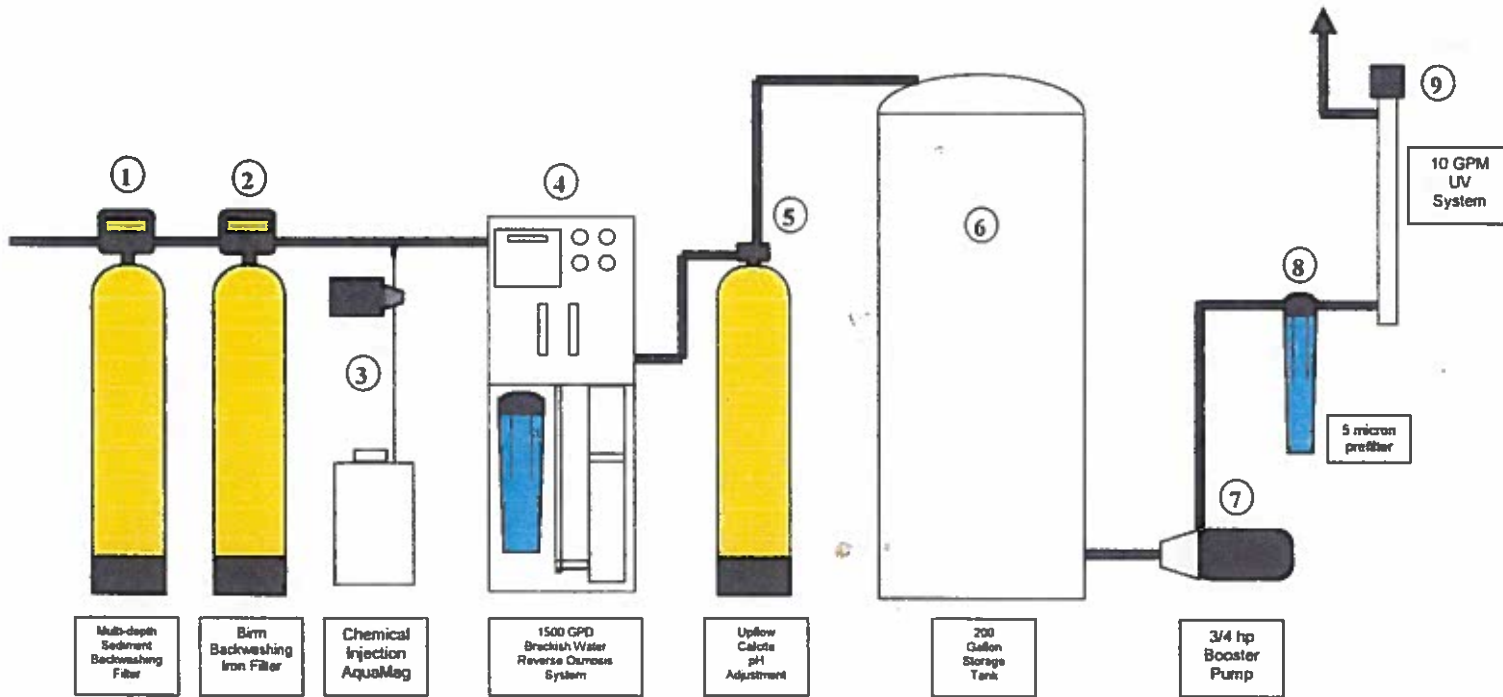
- Freight
- Installation parts / plumbing connections
- Installation labor

Please let me know if you have questions, need clarification or alteration.

Best Regards,

John Woodard
Technical Sales Manager
Fresh Water Systems
864-751-9134

Cheryle Saltmarsh
10 Plank Rd
Ellenburg Depot, NY 12935
518-492-7648
518-834-7765 - FAX



Cherlye Saltmarsh
 10 Plank Rd
 Ellenburg Depot, NY 12935



Fresh Water Systems
 85 Commerce Center
 Greenville, SC 29615
 Phone: (864) 284-1822
 Fax: (864) 284-1819

	Model	Description	Qty	Price	Maintenance	Frequency	Cost	Annual Average
Pretreatment								
Sediment	MM-1054-2510	Multi-Depth Sediment Filter	1	575.00	replace media	3 years	70.00	23.33
Iron Reduction	IFR-1054-2510	Birm Iron reduction Filter	1	589.00	replace media	3 years	85.00	28.33
Scale Control	CF-85MPH	Stenner Chemical Feed Pump	1	580.00	Replace tube and CV	2 years	25.00	12.50
	AMAG	AquaMag Phosphate-5 gallon	1	229.00	Aquire locally	6 mos	229.00	458.00
RO System	RO-1500-BW	1500 GPD Brackish System	1	13,225.00	Membrane	3 years	225.00	75.00
					Prefilter	6 mos	23.06	46.12
Post RO	AN-948-1190	Acid Neutralizer	1	399.00	Refill Calcite	Annually	35.00	35.00
	150069	20" Filter Housing Kit	1	65.00	Replace cartridge	Annually	4.98	4.98
Storage Tank	ATV-3172	200 Gallon Tank 31 x 72	1	351.00		n/a		
		Float Switch	1	125.00				
Booster Pump	MQ3-35-1	3/4 hp Pressure Pump	1	448.00		n/a		
Post Disinfection	S8Q-PA	8 GPM UV system	1	427.72	Lamp Replacement	Annually	81.78	81.78
		Flow restrictor	1	60.00	Quartz Sleeve	2 years	30.15	15.08
				17,073.72				780.12

New York State Department of Environmental Conservation
Environmental Quality Office
PO Box 296, Route 86
Ray Brook, NY 12977-0296

(518) 897-1243
(518) 897-1245 (FAX)

Exhibit - 2



John P. Cahill
Acting Commissioner

June 25, 1997

PAGE 1 of 3

Mr. Gontran Huntley
2104 Route 374
Ellenburg Depot, NY 12935

Dear Mr. Huntley:

Enclosed, for your information, are the lab analysis results for a water sample obtained from your 100-ft drilled well earlier this year.

As you can see from the table below, several of the results for your well water exceed the Water Quality Standards for the parameters measured. I refer you to the Clinton County Health Department (565-4870) or the New York State Department of Health (891-1800) for an interpretation regarding the suitability of your water supply for consumptive purposes.

27th
Ward
Fred
Sunlab-
897-1200

Substance	Water Quality Standard (Groundwater) mg/L	Lab Analysis Results (mg/L)
Calcium	no set standard	125
Chloride	250	1260
Cyanide	0.1	< 0.002
Sodium	20	1130
Dissolved Solids	500	3730

This Department is investigating possible sources for the elevated levels of chlorides and sodium in the groundwater in this area with a focus on salt and sand/salt mixture stockpiling practices at the current N.Y.S. Department of Transportation Highway Facility and the previous Clinton County District Garage at this Ledgers Corners location. We recognize that inadequate salt and sand/salt mixture stockpiling practices can contribute to elevated levels of chlorides and sodium in surrounding groundwater and we are actively working to have such facilities upgraded to eliminate or reduce the potential for additional contaminants reaching groundwater. Once a source of chlorides and sodium is removed, the groundwater will purge itself of chloride and sodium contamination since both move easily with the

Bill
Amberman -

ED SNIZEK
565-4870 ✓

Mr. Gontran Huntley

- 2 -

June 25, 1997

flow of groundwater. The rate of cleansing will be dependent on the characteristics and flow patterns of the groundwater in the area of concern.

Concurrent with the Department's efforts to seek solutions to the existing groundwater contamination in your area, you may wish to consult with your attorney to evaluate your options relative to your individual water supply, including the possibility of a civil action.

Thank you for your cooperation during this sampling effort. If you have any questions regarding this matter, please contact me at (518) 897-1243.

Sincerely,

Tamara Venne

Tamara J. Venne
Environmental Engineering Technician 3

TJV:eb

c: Clinton County Health Department
NYS Department of Health

PAQ 203

Laboratory Report

CLIENT: Clinton County Dept. of Health
PROJECT: 10 Plank Rd-Saltmarsh/King,

WORK ORDER: 1203-04257
DATE RECEIVED: 3/30/12

001	Site: Saltmarsh/King Home water well-CCHD Salt			Date Sampled: 3/29/12	Time: 15:30			
Parameter	Result	Units	Method	Analysis Date/Time	Lab/Tech	NELAC	Qual.	
Chloride	6900	mg/L	SM20 4500-Cl-B	4/3/12	N JGM	A		
Cyanide	0.03	mg/L	EPA 335.4	4/11/12	N CAL	A		
Solids, Total Dissolved	10000	mg/L	SM20 2540C	4/3/12	N AAS	A		
Calcium, Total	310	mg/L	EPA 200.7	4/9/12	WMGT	A		
Hardness, as CaCO3	960	mg/L	SM20 2340C	4/4/12	N BEW	A		
Iron, Total	0.51	mg/L	EPA 200.7	4/6/12	WMGT	A		
Magnesium, Total	69	mg/L	EPA 200.7	4/6/12	WMGT	A		
Sodium, Total	3,200	mg/L	EPA 200.7	4/10/12	WMGT	A		

Report Summary of Qualifiers and Notes

Hard water may be defined as follows:
 0-17 mg/L is soft
 17-60 is normal
 61-120 is moderately hard
 121-180 is hard
 181 or greater is very hard

May 29, 2012

TO: Residents of Ellenburg Depot, Chazy Lake & Town of Dannemora:

By now you may have heard about the salt water contamination going on in Town of Dannemora, in the region of the NYS DOT Garage along 374 & Plank Road. This letter is to inform everyone of what has been happening.

We know, as you will all say, this has been going on for many years, but that doesn't make it right, and the state refused to help us in the past. Yes we know all this, however, it is a little different this time, there is a group of 21 affected residents now and not just one person fighting against the state alone as it has been in the past.

Other facts you need to know about, is that the brooks and streams in that area are also testing positive to high levels of salt contamination and the lake levels are also going up, as of the last study in 2010 it is up about 40%. So as a community in whole I would think you would be concerned. If the state can't find a way to fix the problem, they have mentioned buy outs of property affected, but this will not fix the streams, brooks and lake if the shed that is contaminating it is allowed to stay there. And if the buyouts happen the town will lose revenue thus, everyone else will have to pick up the loss of tax revenue and could be very detrimental to the Town of Dannemora, as well your taxes and the loss for School Tax revenue as well. You can already see some dead trees in that area, a few of the wells have also tested for low levels of cyanide which is an anticaking agent used in the salt that is spread on our roads.

We have gotten the help & support of Clinton County DOH, John Kanoza, who helped us to get the water buffalo and now the State Emergency Tanker parked in the lot next to the DOT for us to haul water from. The tanker is filled every week at the Clinton County Corrections Pump House and daily tests are taken by Jeff Green, Town of Dannemora Water Operator and Lori Stacy Town of Dannemora Council Woman. Senator Betty Little was here and looked at the problem and we have been assigned a rep in her office, who we talk to almost daily. We also have been getting assistance from Morris Coolidge, NY Rural Water who also met with Senator Little and John Kanoza DOH. We would like to thank everyone for their continue help and support.

DOT would not take the results the homeowners had taken of their wells, so more tests had to be done by DOT Labs and it took us weeks to get a PO approved to get the testing done. I can only wonder how long the survey will take when it hasn't even started yet, and they have been aware of it for years.

We have been trying to get to everyone who may have salt in your water, but if you are a resident who thinks they have salt in their water they should do the following:

- 1) Go to Endyne at 315 New York Road, Plattsburgh and pick up the testing bottles to test your water. They will explain the testing process to you, bring them back the bottles
- 2) Call Jim Ayers NYSDOT at 315-785-2318 & also John Kanoza at 565-4870 and add your names to the list of people with salt water.
- 3) Call Cheryle Saltmarsh & Jeff King at 492-7648 and get your name added to the homeowners list, we have meetings to update you on what is happening as needed.
- 4) Use the water tanker located in the parking lot next to the NYSDOT shed to haul your water from and sign in the sheets provided so we can keep track of how much water is needed.
- 5) It is recommended by the DOH, *NOT* to use the spring at the top of Dannemora Mountain because of possible e-coli contamination, that water source is not tested or treated.

As of the date of this letter we are still waiting on a clear plan of action from the DOT and we are being told that a hydro geologist will be hired by DOT to conduct a survey of the affected area then they will get back to us with a plan of possible fixes. This could take months, and in the meantime, we are hauling water, bathing in this stuff, the animals, plants, brooks, and streams are affected, we can't water our gardens, and the lake is now being affected, not to mention our homes are deteriorating from the inside out, with all the salt damage to the pipes, hot water tanks, washers, plumbing etc. And another problem is winter is coming sooner than we want it to and the tanker freezes in the cold winter temperatures so we will have no means to haul water again.

Supervisor Ves Pivetta, with the assistance of the Town Board was able to declare a local state of emergency and wrote a letter to all of our local legislatures, assembly and representative and to date we have heard nothing from them.

Nothing is being done to stop the seepage of salt into the aquifer which means it will continue to contaminate the land and waterways and local homes as long as the DOT shed is allowed to remain there and no steps taken to stop the seepage. Only more tests and surveys which will take time.

If anyone knows of someone with salt in their water please have them contact the numbers above. In the meantime we await a solution to the problem and hope for clean water.

Sincerely,

Cheryle Saltmarsh

On behalf of homeowners affected by salt contamination

EXHIBIT 5



EXHIBIT 6



EXHIBIT - 7



Environmental Laboratories, Inc.
587 East Middle Turnpike, P.O. Box 370, Manchester, CT 06046
Tel. (860) 646-1102 Fax (860) 646-0823



Analysis Report

August 15, 2012

FOR: Attn: Mr. Bob Koslosky
SCE
430 Court St.
Utica, NY 13502

Sample Information

Matrix: DRINKING WATER
Location Code: SHUMAKER
Rush Request: Standard
P.O.#:

Custody Information

Collected by: MJ
Received by: LB
Analyzed by: see "By" below

Date: 07/23/12 16:50
07/24/12 9:39

Laboratory Data

SDG ID: GBC14332
Phoenix ID: BC14332

Project ID: SEER KING
Client ID: 10 PLANK RD.

Parameter	Result	RI/ PQL	Units	DW MCL	Sec Goal	Date/Time	By	Reference	
Escherichia Coli	Present	0	/100 mls	0		07/24/12 14:20	RS/RM	SM 9223B	
*** Escherichia Coli exceeds POTABILITY levels ***									
Total Coliforms	Present	0	/100 mls	0		07/24/12 14:20	RS/RM	9223B	
*** Total Coliforms exceeds POTABILITY levels ***									
B.O.D./5 day	< 4.0	4.0	mg/L			07/24/12 11:30	RS/RM	SM5210B	
Hardness (CaCO3)	980	0.1	mg/L			07/25/12		E200.7	
Alkalinity-CaCO3	167	20	mg/L			07/28/12	BS/KDB	SM 2320B	
Bicarbonate Alkalinity (CaCO3)	167	20	mgCaCO3/L			07/28/12	BS/KDB	SM 2320B	
Bromide	< 5.0	5.0	mg/L			07/28/12	EG	300.0/9066	
Carbonate Alkalinity -CaCO3	< 20	20	mgCaCO3/L			07/28/12	BS/KDB	SM 2320B	
Chloride	5410	800	mg/L	250		07/28/12	BS/EG	300.0	
*** Chloride exceeds MCL levels ***									
Langlier Index	-0.243		pH units			08/08/12	EG	SM2330B 1	
MBAS	0.08	0.05	mg/L			07/24/12 18:25	TH	SM 5540 C	
Ammonia as Nitrogen	0.37	0.02	mg/L			07/25/12	WHM	E360.1	
Nitrite as Nitrogen	< 0.01	0.01	mg/L	1		07/24/12 23:23	BS/EG	300.0	
Nitrate as Nitrogen	1.12	0.05	mg/L	10		07/24/12 23:23	BS/EG	300.0	
pH	6.97	0.10	pH Units		6.5-8.5	08/03/12 08:28	BS/KDB	4880-H B/9040 1	
Sulfate	154	15	mg/L	250		07/25/12	BS/EG	300.0	
Total Cyanide (Drinking water)	0.03	0.01	mg/L	0.2		07/28/12	OKGD	EPA 335.4	
Tot. Diss. Solids	10000	200	mg/L		500	07/28/12	L/KDB/K/SM	2540C	
*** Tot. Diss. Solids exceeds Secondary Goal ***									
Turbidity	0.51	0.20	NTU		5	07/24/12 18:58	BS/KDB	E180.1 10	
Calcium	298	0.10	mg/L			07/25/12	LK	E200.7	
Iron	0.087	0.005	mg/L	0.32		07/25/12	LK	E200.7	
Potassium	17.0	0.1	mg/L			07/25/12	LK	E200.7	
Magnesium	57.2	0.01	mg/L			07/25/12	LK	E200.7	
Manganese	0.838	0.02	mg/L	0.32		07/25/12	LK	E200.7	
*** Manganese exceeds MCL levels ***									



Environmental Laboratories, Inc.
 587 East Middle Turnpike, P.O. Box 370, Manchester, CT 06045
 Tel. (860) 645-1102 Fax (860) 645-0823



Analysis Report

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Sample Information

Matrix: DRINKING WATER
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 Rush Request: Standard
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Date: 07/23/12 16:50
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Project ID: *SEED KING*
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B.O.D./5 day	< 4.0	4.0	mg/L			07/24/12 11:30	RS/RM	SM5210B	
Hardness (CaCO3)	980	0.1	mg/L			07/25/12		E200.7	
Alkalinity-CaCO3	167	20	mg/L			07/28/12	BS/KDB	SM 2320B	
Bicarbonate Alkalinity (CaCO3)	167	20	mgCaCO3/L			07/28/12	BS/KDB	SM 2320B	
Bromide	< 5.0	5.0	mg/L			07/28/12	EG	300.0/9056	
Carbonate Alkalinity -CaCO3	< 20	20	mgCaCO3/L			07/28/12	BS/KDB	SM 2320B	
Chloride	5410	600	mg/L	250		07/28/12	BS/EG	300.0	
*** Chloride exceeds MCL levels ***									
Langelier Index	-0.243		pH units			08/06/12	EG	SM2330B 1	
MBAS	0.06	0.05	mg/L			07/24/12 18:25	TH	SM 5540 C	
Ammonia as Nitrogen	0.37	0.02	mg/L			07/25/12	WHM	E350.1	
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Iron	0.087	0.005	mg/L	0.32		07/25/12	LK	E200.7	
Potassium	17.0	0.1	mg/L			07/25/12	LK	E200.7	
Magnesium	57.2	0.01	mg/L			07/25/12	LK	E200.7	
Manganese	0.938	0.002	mg/L	0.32		07/25/12	LK	E200.7	
*** Manganese exceeds MCL levels ***									



Clinton County Health Department

Jerie Reid, Director of Public Health
133 Margaret Street, Plattsburgh, New York 12901-2968

"Working Together for a Healthier Community"

Health Information Line: (518) 565-4490 www.ClintonHealth.org



Public Health
Prevent. Promote. Protect.

Environmental Health & Safety Division

Phone: (518) 565-4870

Fax: (518) 565-4843

August 11, 2012

EXHIBIT-8

Mr. Michael McMurray
Division of Environmental Permits
New York State Department of Environmental Conservation
Region 5 Ray Brook Offices
1115 State Route 86
Ray Brook, NY 12977-0296

**Re: NYSDOT Ledgers Corners Facility -- NYSDEC SPDES Permit (DEC ID# 5-0934-00133/00003)
CCHD Comments Pertaining to SPDES Permit Modifications**

Dear Mr. McMurray,

The Clinton County Health Department (CCHD) has completed a review of the Notice Intent to Modify the SPDES Permit for the above listed facility, as provided as an attachment to your August 15, 2012 cover letter. As you know, efforts are currently being implemented to investigate apparent salt contamination of the local bedrock aquifer and residential water supply wells in the area of subject DOT facility. Since April 2012, the CCHD has worked diligently to assist impacted residents in the subject Town of Dannemora area by keeping potable water available. Because impacts to the environment and neighboring residential properties, including individual water supplies, currently exist in the subject area, operations at the subject DOT facility must be considered sensitive to the local area. Accordingly, the CCHD requests your review and consideration of the following questions and comments pertaining to this subject matter:

1. **Question and Request #1: Is the DOT facility stormwater detention basin lined to prevent leaching of dissolved road salt constituents to the shallow groundwater? If not, the CCHD requests that an appropriate liner be installed to prevent continued/future contaminant leaching to the local shallow groundwater. Similarly, based on the apparent historical leaching of dissolved road salt constituents from road salt storage buildings at the facility, are the sheds/structures currently used to store road salt at the subject facility lined? CCHD requests that NYSDEC consider this item such that future road salt contaminant leaching to the bedrock groundwater can be minimized?**
2. **Request #2: Based on the history of previous environmental impacts to the local area, apparent lack of appropriate environmental protection measures historically implemented at the DOT facility AND sensitivity of the subject bedrock groundwater and King Brook surface waters, the CCHD requests that monitoring for Outfall #1 parameters be expanded to include monthly monitoring.**
3. **Request #3: Again, based on the history of previous environmental impacts to the local area, apparent lack of appropriate environmental protection measures historically implemented at the DOT facility AND sensitivity of the subject bedrock groundwater and King Brook surface waters, the CCHD requests that monitoring for Outfall #2 parameters (especially for chlorides, total cyanide and COD) be expanded to include monthly monitoring.**



<http://www.facebook.com/ClintonHealth>

4. **Request #4:** Because it strongly appears that historic road salt storage at the subject DOT facility has resulted in road salt leaching and impact of the local bedrock groundwater, the CCHD requests that downgradient (sentinel) groundwater monitoring wells be installed (at lower topographic locations adjacent to NYS Route 374) at the subject DOT facility. If such task can be authorized/completed, the CCHD would request that such downgradient monitoring wells be monitored quarterly for road salt constituents.
5. **Question and Request #5:** The "*Special Conditions*" and requirements listed in the subject document are comprehensive, thorough, and protective, *BUT are all of such conditions (requirements) achievable by DOT management/personnel?* The CCHD requests that the NYSDEC enforce implementation of such "*Special Conditions,*" via completion of regular inspection site visits to the subject DOT facility or via some other required regular reporting methods.
6. **Question and Comment #6:** It has come to the attention of CCHD staff, via informal discussions with former NYSDOT Ledgers Corners staff that one or two accidental releases of salt brine (significant volume of stored product) occurred at the subject facility sometime during the period 2009-2011. *Is the NYSDEC aware of the NYSDOT creating, storing and/or otherwise transferring large volumes of such salt brine (liquid) product at the subject facility AND can the NYSDEC revise the subject SPDES Permit Conditions to specify that NYSDOT maximize their best management practices (BMPs) associated with the creation, storage, and/or otherwise transfer of such significant volumes of salt brine (used for roadway de-icing)?*

Thank you for allowing the CCHD to make comment and requests regarding this subject matter. At your convenience, we request that you provide written response to our office regarding the questions and requests discussed herein. If you have any questions regarding the subjects discussed herein, please contact me at 565-4870.

Very truly yours,

John M. Kanoza, P.E., C.P.G.
Director/Engineer of Environmental Health & Safety

cc: Christian Ballantyne, NYSDEC Headquarters
625 Broadway, Albany, NY 12233-0001
Richard Wagner, P.E., NYSDEC Region 5 Ray Brook Office
Dominic Fontana, P.E., NYSDEC Region 5 Ray Brook Office
Fred Dunlop, NYSDEC Region 5 Ray Brook Office
Kristen Sayers, NYSDOH Liason, NYSDOH Saranac Lake District Office
Jerie Reid, CCHD Director of Public Health
Judy Ross, CCHD Sr. Public Health Sanitarian

K:\Kanoza\NYSDOT_RT374_SPDES_Permit_CCHD_Letter_to_DEC_Aug2012.doc



"Working Together for a Healthier Community"



Public Health
Prevent. Promote. Protect.

EXHIBIT 8

FAXED
9/2/12

September 19, 2012

Mr. Michael McMurray
Division of Environmental Permits
New York State Department of Environmental Conservation
Region 5 Ray Brook Offices
1115 State Route 86
Ray Brook, NY 12977-0296

9/2/12 @ CALLED
ALSO - TR IS ON
Till 9/24/12 -
mailed original copy
ALSO.

Re: NYSDOT Ledgers Corners Facility -- NYSDEC SPDES Permit (DEC ID# 5-0934-00133/00003)

Dear Mr. McMurray:

The residents affected by the salt contamination in Chazy Lake are writing this letter to request some modifications to the proposed permit application:

- 1) NO increase in privileges over permit dated 1/18/2008.
- 2) Make that permit more restrictive as follows:
 - Total compliance with USA EPA Clean Water Act.
 - Make Chazy Lake Ledgers Corners Facility a NO DUMP SITE
 - That weekly/biweekly (at least in the initial phase) inspections be done of the DOT site, as we know from the leaching going on now many people are affected by the contamination and if left unchecked and left up to DOT to be the sole monitor in this process, we are not confident the same will not occur.
 - Liners to be put under existing salt storage sheds and under any and all sources of contaminants in the future. (If the liners are not put in or corrected to stop the leaching, then this is all in vain because it will continue to contaminate our water supply, streams, lakes and the ground).
 - No intentional discharges what so ever.
 - No storage of salt brine or making of salt brine at the DOT facility which has led to numerous releases into the ground. Thus, the cyanide in our water supply.
 - We do not feel that giving the DOT more permission to store or adding new chemicals to their permit is any way helping the situation. They should be made to minimize if not cease all storage at that facility given the severity of the ground contamination occurring now.
 - We would like to request that someone or some other agency besides DOT be allowed to do the sampling (unannounced). There is no guarantee that the samples will be done on a day when everything has been cleaned up. (Even we know that when guests come you clean your house), why would we expect anything less from DOT.

Sincerely,

The Residents of Chazy Lake

Jiff King
C. J. Seltzer

Kenneth F. Vanni
D. H. Witt

V. La. R. J. Jr.
Berndine L. Huxley
Ardman

Margaret M. Varen

Lori Stacey

Steve Thomson

Lorraine King

Jeffrey J. Quake

John LaLus

David J. Smith
Sue Roe

Olson Miner

L. L. Depp Jr.

AGENDA ITEM

Eyh.B. + 8

9/12/2012

TO - New York STATE DEPT OF ENVIRONMENTAL CONSERVATION
1115 ST. RTE 86
RAY BROOK, N.Y. 12977-0296
ATT. MICHAEL J. MCMURRAY

RE: DEC ID # 5-0934-00133/00003
LEDGERS CORNERS MAINT. ~~IS~~ SUBHEADQUARTERS

THE TOWN OF DANNEMORA ^{BOARD} IS VERY CONCERNED ABOUT THIS PROBLEM AS THIS LOCATION IS LOCATED NEAR OUR RESIDENTS. WE BELIEVE THAT IN THE FUTURE THE CONTINUED RELEASE OF ALL CONTAMINANTS IN THIS ~~ARE~~ RESIDENTIAL AREA WILL CAUSE FUTURE PROBLEMS. WE ASK THAT MORE MONITORING AND TESTING BY DEC AND OTHER AGENCIES TAKE PLACE MORE NOW THAN IN THE PAST. ALSO AN EXPLANATION IS NEEDED ON OUTFALL NO. 002 INTO RECEIVING WATER KNOWN AS KING BROOK. PLEASE CONSIDER THROUGH A NEWS RELEASE TELLING RESIDENTS ON WHAT IS GOING ON.

TOWN OF DANNEMORA
BOARD

AMERICO PIVETTA
SUPERVISOR

New York State Department of Environmental Conservation
Environmental Quality - Division of Water
232 Golf Course Road, Warrensburg, NY 12885
Phone: (518) 623-1200 • Fax: (518) 623-1311
Website: www.dec.ny.gov



EXHIBIT-9

May 20, 2014

Mr. James Ayers
Maintenance Environmental Coordinator
NYS DOT Region 7
317 Washington Street
Watertown, NY 13601

RE: **SPDES No. NY-0256366**
NYSDOT Ledgers Corners Maintenance Subheadquarters
Dannemora (T), Clinton Co.

Dear Mr. Ayers:

I am in receipt of your letter dated April 30, 2014 which was in response to the Notice of Violation (NOV) issued on March 26, 2014. The following are the Department of Environmental Conservation's (DEC's) comments:

Monthly Visual Inspections

It is good that the Department of Transportation (DOT) has taken multiple steps and made modifications to the Stormwater Pollution Prevention Plan (SWPPP). DEC agrees that reviewing the State Pollutant Discharge Elimination System (SPDES) permit and SWPPP requirements with your local staff should better ensure compliance. The new monthly inspection form that DOT has created will help to document your compliance efforts. Please be advised that compliance with the monthly visual inspection permit condition is expected immediately. Please also provide us with a copy of the modified SWPPP for our records.

Quarterly Benchmark Monitoring

The new gauge in the evaporation basin should prove valuable in monitoring the water depth. Now that DOT has procedures in place to better predict when a discharge is about to occur, as well as document when discharges have in fact not occurred, it is expected that representative samples will be collected from Outfall 002 from this point forward.

Semi-Annual Dry Weather Flow Inspections

The new semi-annual inspection form that DOT has created will help to document your compliance efforts. Please note, however, that the new form is incorrectly labeled as an "annual" inspection form. The SPDES permit requires that dry weather inspections be performed two times per calendar year. Please also be advised that compliance with the semi-annual dry weather flow inspection permit condition is expected immediately.

Mr. James Ayers
Page 2
May 19, 2014

Storm Event Data

As DOT evaluates its long term options for methods of storm event monitoring, be advised that the monitoring must still be done in the short term in order to assure compliance with the SPDES permit no matter how labor intensive. Any time you modify your SWPPP, a copy of the modified SWPPP should be sent to DEC. Therefore, if a final decision is made on an automated weather station after your submission of the revised SWPPP as previously requested in this letter, please resubmit.

The steps that you outlined in your letter should restore compliance with the SPDES permit for the Ledgers Corners facility. However, should there be any future non-compliance, it would be helpful to DEC if permit violations were to be reported to us orally within 24 hours rather waiting for the submission of the annual report each February 1. The prompt notifications will allow the situations to get remedied quicker. Your cooperation with this request will be appreciated. The oral notifications should be made to Mr. Thomas Waite at (518) 897-1263.

Sincerely,


William E. Lupo, P.E.
Regional Water Engineer

WEL:jz

ec: Tom Waite

Q All Search

Search Mail Search Web Home Cheryle



Compose

Archive Move Delete Spam All Lock

Add Gmail, Outlook, AOL and more

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Drafts

Sent

Archive

Spam

Trash

Smart Views

Folders

- Accountant Info
- Bank Info
- Bear Hollow Cottage
- Cell Tower
- Ebay Emails
- Farm Equipment
- Insurance
- Job Applications
- Max Emails
- Order Information
- Phones
- Pictures
- Saved Emails
- Scotts Emails
- Unwanted
- Water Information

Recent

- whchase@townofdann...
fw: Scanned image fr...
- PayPal Credit Account
Your statement is reac

Medal Count

	Total
USA	100 35 33 32
CHN	58 20 16 22
GBR	56 22 21 13

FOLLOW THE GAMES

fw: Scanned image from MX-M314N (2)

whchase@townofdannemora.com
To cherylesaltmarsh@yahoo.com

Mar 21 at 2:05 PM

FYI Cheryle,

Attached is a copy of the revised schedule Dated Oct. 20 2015.
Received by the Town of Dannemora early Nov. 2015

OK - Bill Chase
Town of Dannemora - Town Supervisor

<http://www.adobe.com/>



norreply... .pdf

Reply, Reply All or Forward | More

whchase@townofdannemora.com
To cherylesaltmarsh@yahoo.com

Mar 22 at 12:21 PM

Cheryle,

Attached is a schedule dated August 20th 2015. Notice the change in bid phase went from April - May of 2016 to Oct - Nov 2016 on the schedule dated Oct. 20th 2015. Start of construction went from June 2016 to March 2017.

OK - Bill Chase

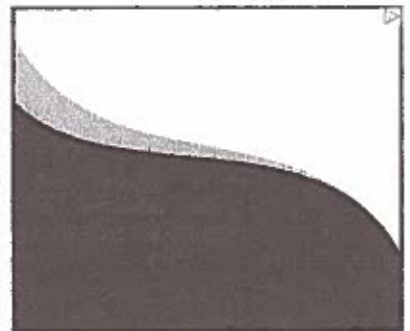
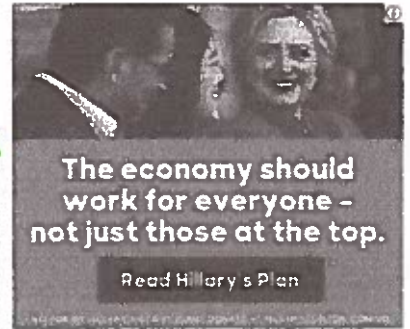
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Send Tt B I A [list icons]

RECEIVED 3/21/14

NYS DOT – Town of Dannemora Water Project, Clinton County

Anticipated Schedule – Revised August 20, 2015

Finalize Scope of Services	November 2014
DOT meeting with Town, EFC, CHA, Community Renewal.....	December 2014
Survey & Line Locating Services (water main only).....	November 2014 – May 2015
Hydraulic Model/BOD Report	January – April 2015
Siting of Pump Station, Hydropneumatic Station & Valve Vaults	February – May 2015
Initiation of Design.....	May 2015
Income Survey	July 2015
Geotechnical Investigations (water main only).....	August - September 2015
DOT/DOCCS/TOWN formalize necessary agreements	End of September 2015
Land Acquisition/ Easement Coordination	April - September 2015
Pre ADP Submission	End of September 2015
Survey and Geotechnical Investigation (remainder).....	October - November 2015
Regulatory Permitting	June - December 2015
ADP Submission	End of November 2015
Agency Review	December 2015
PS&E Submission	End of January 2016
NYS DOH Review and Approval	February 2016
Bid Phase.....	March - April 2016
Project Award.....	May 2016
Start of Construction	June 2016
Submit Lateral Service Connection Application.....	June 2016
Final Completion.....	January 2017*

*Dependent on weather, existing conditions (rock excavation), etc.

22
16
Received 3/22/16

NYS DOT – Town of Dannemora Water Project, Clinton County
Anticipated Schedule – Revised October 20, 2015

Finalize Scope of Services	November 2014
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Survey & Geotechnical Investigation (remainder, weather permitting).....	December 2015- January 2016
Pre ADP Submission	March 2016
Regulatory Permitting	June 2015 – April 2016
ADP Submission	End of May 2016
Agency Review	June 2016
PS&E Submission	End of July 2016
NYS DOH Review and Approval	August - September 2016
Bid Phase.....	October - November 2016
Project Award.....	December 2016
Start of Construction	March 2017
Submit Lateral Service Connection Application.....	March 2017
Final Completion.....	November 2017**

**Dependent on weather, existing conditions (rock excavation), etc.

Exhibit 11

Blawg.

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If My Property is Contaminated, Am I Entitled to a Property Tax Reduction?

Posted By LawPivot | Published November 7, 2011

The following is an article written by [Margaret Kamel, William Howard & Kibell, L.P.](#), a featured lawyer of the LawPivot community.

Environmental contamination is widespread in many parts of the United States, particularly in industrialized areas of the Northeast and Midwest. However, this phenomenon is not limited to big cities.

In New York State, for example, the largest number of state "Superfund" sites can be found in western New York; the highest number of "brownfield" sites in all of Upstate New York is in the Syracuse/Central New York region; and the Southern Tier has the second highest concentration of brownfield sites on a per capita basis.

This pattern holds true in "Greater Binghamton," as demonstrated by the following statistics for Broome County:

773 reported oil spills in the past 5 years

- More than 80 recorded "brownfield" sites
- 45 sites on NYSDEC's "environmental site remediation" database
- 717 sites on DEC's "bulk storage" database
- 9 National Priorities List (NPL) federal "Superfund" sites
- 15 sites on the U.S. Environmental Protection Agency's CERCLIS inventory of potential "Superfund" sites
- 837 active RCRA (hazardous waste) facilities

As this year's Grievance Day (May 24, 2011) approaches, such conditions raise the question of whether real estate parcels stigmatized by environmental contamination must pay the same real property taxes as uncontaminated properties. The answer is "no."

In New York, the leading case on this issue is the 1996 Court of Appeals decision in *Commerce Holding Corp. v. Board of Assessors*. The case involved a 2.7-acre site improved with a one-story industrial building.

A former tenant was a metal plater which discharged contaminated wastewater into onsite leaching pools, resulting in severe subsurface contamination, which led to a federal "Superfund" site designation. Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), the property owner was strictly liable for the cleanup costs. In 1988, the owner entered into a consent order with the EPA to remediate the site.

Town tax assessors valued Commerce's property at between \$1.5 million and \$2.6 million each year.

Commerce filed timely challenges to the assessments, followed by annual tax certiorari proceedings, contending that these valuations were excessive and that the assessors should have reduced the assessed value to account for environmental contamination. Both the trial court and the Appellate Division agreed with the property owner.

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The Court of Appeals affirmed the lower court decisions, upholding Commerce's valuation. Specifically, Commerce's expert valued the property "as if unimpaired" by using income capitalization and comparable sales approaches. The present value of the total remaining cost to cure all the contamination was then subtracted from this hypothetical "clean" value. The Court held that "cleanup costs are an acceptable, if imperfect, surrogate to quantify environmental damage and provide a sound measure of the reduced amount a buyer would be willing to pay for the contaminated property." In other words, looking at the situation from the perspective of a buyer, the Court agreed that knowledgeable market participants would factor in these ascertainable future remediation costs in arriving at an acceptable value.

Noting the "difficulty in assessing a polluted parcel" because of "the uniqueness of environmental contamination," and recognizing "the unsuitability of the strict application of traditional valuation techniques" to such properties, the Court endorsed a "flexible approach" wherein "traditional techniques" are "adjusted for environmental contamination." It cautioned, however, that "a challenge to a property tax assessment must be supported by sound theory and objective data".

While no one method can be prescribed "to assess the effects of environmental contamination," the Court stated that "there are certain factors that should be considered." These include: the property's status as a Superfund site; the extent of the contamination; the estimated cleanup costs; the present use of the property; the ability to obtain financing and indemnification in connection with the purchase of the property; potential liability to third parties; and the stigma remaining after cleanup.

Among the other guiding principles enunciated by the Court were the following:

(1) "Because environmental contamination can depress a parcel's true value,... it must be considered in assessing real property tax."

(2) "[T]he assessment of property value for tax purposes must take into account any factor affecting a property's marketability.... It follows that when environmental contamination is shown to depress a property's value, the contamination must be considered in property tax assessment."

(3) "[S]tatutory and constitutional full value requirements cannot be subordinated to environmental policy concerns" (i.e., the public policy in favor of requiring landowners to remediate their contaminated property, and requiring the polluter to pay, does not weigh against providing an assessment reduction for environmental contamination).

(4) The fact that the property owner, by consent order, has agreed to pay the cleanup costs even if it sells the property does not negate the impact of the contamination on the property's market value—because any purchaser of the site is nevertheless jointly and severally liable for the cleanup costs under CERCLA.

(5) An owner's (or a third party's) agreement to remediate the property does not "resolve the question of whether, and to what extent, the contamination in fact affects the value of the land." A buyer would likely demand an abatement in the purchase price to account for the contamination notwithstanding the existence of the consent order or an indemnification agreement.

"Whether a property owner's agreement to pay the cleanup costs would affect the property's value in a given case is a factual matter for the assessment board."

(6) When the property is capable of productive use, but the high cleanup costs would yield a negative property value, "the cleanup costs could be more appropriately accounted for by adjustments to the projected income stream."

INTERNATIONAL REAL ESTATE REVIEW

Debundling Property Rights for Contaminated Properties: Valuing the Opportunity Cost of the Right to Sell, Using Cumulative Options

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Ron Throupe,

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This paper examines the loss of control of the ability to time the sale or develop property as an intrinsic benefit of the bundle of ownership rights. This right, proxied by the real option to control property, can be hindered by the existence of contamination. An empirical analysis of a contaminated site is used to illustrate the cumulative effect of this sell option and a measurement of financial loss. The results of a survey are used to determine the likely value of the real estate option and its effect on the subject property as part of the overall value. The results suggest a value for the sell (call) option which is dependent on the time before expiration. For the case study and ten year time period used in this research, 27% to 40% of the property value is estimated as the value of the loss in ability to sell.

Keywords:

Bundle of Rights; Hazardous Materials; Option Pricing; Optimal Timing; Option to Sell; Trespass

* Corresponding author

3 Decontaminating Property Rights for Contaminated Properties

leads to an inability to sell for the full amount. This is related to the right to dispose of the property. The time value of this eventual loss, on an ongoing basis during the time of the uncertainty, is the loss of control. In essence, the selling of a call option by the seller is lost. This is the valuation of the right to control the timing of the sale or redevelopment of real property.

The remainder of this paper is divided into the following sections: first, real estate property rights are described, including the rights to control, use, enjoy and dispose of real property and its surface and non-surface components. This is followed by a brief discussion of prior research on damage measurements to contaminated commercial properties. Next is a discussion of the literature on the use of real options, including the option to develop, or redevelop, sell, wait, and the option to abandon. This is followed by an introduction to the concept of the loss of ability to sell and a case study example to illustrate this concept. Last is a summary of this research and suggestions for future analysis.

2. Property Rights

The bundle of rights embedded in ownership of real property include: use, enjoy, control, and dispose, of the air, surface and subsurface of a property. This is commonly known as fee simple ownership. Appraisers assume that the sale price represents all rights, and this is correct for most circumstances. However, what if there are temporary losses during an extended hold period, which includes an owner being unable to sell or develop the property during an active market? Owners who face this can have a loss without sale, either an unrealized capital loss on the balance sheet, diminished income or other rights. How can these be valued?

2.1 The Real Estate Bundle of Rights

The separate components that comprise a real estate bundle of rights are the essential building blocks of real property. The owner of a piece of real estate (land and building and associated rights), owns not just the property, but a bundle of rights related to the property. In Bell's Guide: The Comprehensive Real Estate Handbook (1997), Bell refers to the bundle of rights as: "fee simple estate which includes all the bundle of rights (sell, do nothing, lease, enjoy, bequeath, encumber, use, occupy) subject only to property taxes, zoning and police powers" For our purposes, the bundle includes the rights to use, enjoy, control, and dispose of the property, which are all subject to legal parameters. Property includes the surface, air and subsurface rights.

2.2 Right of Use¹

The right of use means that the owner can conduct certain activities on the property, subject to legal restrictions, such as building codes, zoning and covenants. The owner can decide on what to use it for, such as occupying the property or leasing it out, what not to use it for, and when to change uses, make improvements or modifications. Sometimes quiet use is also required of the occupants, who can then expect their neighbors to not infringe on their rights.

2.3 Right to Enjoy Property X

The right of enjoyment can mean different things if it is an owner-occupied house or an investment property. For an owner occupant, enjoyment means to take advantage of the housing services generated by the property that they live in. This means to enjoy the land and gardens, warmth and comfort of the building and all its rooms, vegetation, rooftop, clean air, clean groundwater and other property components, in a legal manner. For commercial property, enjoyment means deriving profit from owning real estate. This would be in the form of monthly or annual cash flows. The right to enjoyment also includes the right to future appreciation of the property in line with the effecting value of real estate market conditions. With a standing commercial building, this means rents. For vacant land, it probably implies agricultural lease revenue, which is typically limited.

2.4 Right to Dispose of Property

This is the right to sell or bequeath the property "when you want", at a fair market price. If you cannot sell at full market value (net of normal transaction costs) at a time of your choosing, then this right has been taken or diminished away. This means that you may not be able to access the equity in your property, and invest in other investment opportunities. Alternatively, you may be required to act as a lender and extend financing to a future buyer, rather than cashing out of the property.

2.5 Right to Control of the Property

Control of the property is related to being able to use the property how you want to and when you want to, subject to legal restrictions. The right to control property also means being able to exclude others from using or coming onto the property (Throupe et al. 2005). If a person enters your property without permission, s/he is trespassing. This is most commonly associated with the surface of the property, but in environmental

¹ The USPAP, United States Professional Appraisal Practice guidelines (set forth by the Appraisal Institute, based in Chicago, IL) Advisory Opinion 9 provides guidance on effects, use, risk and cost aspects of real estate appraisal of contaminated property.

5 Debundling Property Rights for Contaminated Properties

contamination cases, it more typically involves placement of toxic substances into the soil and groundwater under the surface of the property or in the air (which may then fall onto the grounds of the property in the form of soil contamination), without the owner's permission. This is commonly called a toxic trespass (Simons 2006, Chapter 3). Another form of loss of control is being unable to refinance a property that you own in order to access capital. A version of this is where the owner may incur additional costs in order to obtain financing. Control also implies the right to develop or tear down to redevelop. It can also mean the right to control the timing of when to redevelop or sell the property for redevelopment (rather than the sale amount). This last factor is the focus of this research, which attempts to quantify this part of the "loss of control" related to timing (but not amount) of disposition.

3. Vertical Components of Real Property

The bundle of rights can also be viewed from a vertical spatial perspective. These components include the surface, air and the subsurface rights to ownership.

3.1 Surface Rights

Surface rights are the most widely understood, and include the right to use the surface of the property subject to zoning, building codes, covenants, and easements. The real estate bundle of rights is usually thought to apply most directly to the surface of the land. If someone deposits contamination onto your soil without your permission, you have lost control of this part of your real property rights.

3.2 Air Rights

These are the rights above your land or building, which extend up to the legal building limit or height, and beyond. In other words, if the zoning code allows one to build up to 150 feet, and your existing building is only 50 feet tall, you have unused development rights up to the current zoning building envelope as part of these air rights. According to Merriam-Webster's Dictionary of Law (1996), an air right is a property right to the space above a surface or object (as a building) that may be sold or leased for development purposes. Depending on where you live, there may also be rights that extend up beyond the zoning building envelope, toward the sky. At some point, you reach common property in the atmosphere because planes travel overhead, as do satellites, with an implied easement and not thought of as violating air rights. The government owns above a certain point. In some places, solar access is an issue. Unused development rights, also known as transfer of

development rights (TDR), are a form of air rights, have been transferred to others for monetary gain, and hence are severable from the property².

Also, in order to maximize use and enjoyment, it is logical that the property owner also possesses the right to have the air near the windows and doors of the building as clear as the environment around them. Thus, if a company deposits air pollution onto your property, it is a violation of your air rights, although not the development portion. If the contaminants arrive without permission, it is a form of toxic trespass.

3.3 Subsurface Rights

The subsurface includes the water, groundwater, and mineral rights, under your land³. In urban areas, these are typically not of great interest, because mining is usually dangerous to surface users and there is a spatial buffer between these nuisance activities and residential living quarters. Also, in dense areas, the groundwater under a property is rarely used for drinking, which is typically provided by municipal drinking water sources piped in from elsewhere.

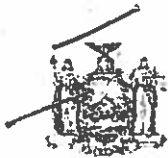
3.4 Toxic Trespass

Preventing toxic trespass is a right of exclusion, a form of loss of control. However, in some rural areas, mining rights are very valuable, for water, oil, gas, salt, minerals, metals, or otherwise. If someone allows hazardous material from their property to encroach on subsurface water, or air pockets underneath your property, without your permission, it is a toxic trespass⁴. In an urban area, this hazardous material may enter into a basement and present a fire hazard. It would also be of concern to a lender, and make it much less likely that you could get a mortgage secured by the real estate. In rural areas, the same issues apply, but there is many times the added risk of contamination

² An example is Donald Trump's history of trading air rights for development.

³ The right to the use and profit of the underground portion of a designated property; usually refers to the right to extract coal, minerals, oil, gas or other hydrocarbon substances as designated in the grant; this may include a right of way over designation portions of the surface. 2. The right to construct and maintain tunnels, subways, subcellars, pipelines, sewers, etc. The Dictionary of the Real Estate Appraisal, 5th Edition, Appraisal Institute, Chicago IL 2009, pg. 282.

⁴ Trespass to land involves the "wrongful interference with one's possessory rights in [real] property." It is not necessary to prove that harm was suffered to bring a claim, and is instead actionable *per se*. While most trespasses to land are intentional, British courts have held liability holds for trespass negligently committed. Similarly, some American courts will only find liability for unintentional intrusions where such intrusions arise under circumstances that evince negligence or involve a highly dangerous activity. Wikipedia 2011. 12 ^a ^b *Robert's River Rides v. Steamboat Dev.*, 520 N.W.2d 294, 301 (Iowa 1994) 13 ^a ^b *Loe et ux. v. Lenhard et al.*, 362 P.2d 312 (Or. 1961)



NYS BOARD OF REAL PROPERTY SERVICES

RP-525 (9/04)

Exhibit 12

NOTICE OF DETERMINATION OF BOARD OF ASSESSMENT REVIEW

For DANNEMORA
(city, town village or county)

159-2-7.41
Tax map section/block/lot #

JEFF KING
SCOTT KING
10 PLANK ROAD
ELLENBURG DEPOT N.Y
12935
Name and address of Complainant

Location of property if different than address of Complainant

The tentative assessed value of \$ 115900 for this property:

- a. has been reduced to an assessed value of Land \$ _____ Total \$ _____
 if this box is checked, assessment has been reduced to amount claimed in complaint
- b. has not been reduced

Your complaint was based upon a contention that your assessment should be changed because of the following:

- Assessed Valuation
- Exemption
- Classification
- Other

The Board of Assessment Review has made this determination for reason set forth below:

Assessed Valuation

a. The current full market value of your property was determined to be \$ 115900

- (1) The proof of value you presented was adequate to support reduction granted.
- (2) The proof of value you presented was inadequate because _____
 - i. the supporting data was insufficient
 - ii. sales were not comparable to your property
 - iii. the written appraisal was incomplete
 - iv. the income and expense statement was incomplete (income producing property)
 - v. the construction cost details were incomplete.

b. The uniform percentage of value applicable in this assessing unit is _____

- (1) The proof of assessment ratio that you presented was adequate to support reduction granted.
- (2) The proof of assessment ratio that you presented was inadequate because:
 - i. insufficient evidence was used in calculating an assessment ratio
 - ii. sufficient evidence was presented by the assessor to refute the residential assessment ratio (RAR) or the State equalization rate
 - iii. the State ratios are inapplicable due to revaluation
 - iv. the ratio that you presented was not the correct residential assessment ratio (RAR)
 - v. the rate that you presented was not the correct State equalization rate.

c. The physical characteristics and inventory of your property were determined to be:

- (1) correct
- (2) incorrect.

cont.

Assessed Valuation (cont.)

The correct inventory should indicate the following:

Exemption

The taxable assessed value was determined to be \$ _____

- (1) Your request for exemption has been granted in the amount of \$ _____
- (2) Your request for an exemption was denied because you do not qualify for that exemption.

Classification

a. The property class designation was determined to be:

- (1) correct
- (2) incorrect because:
 - i. the class designation should be homestead
 - ii. the class designation should be non-homestead

b. The property class allocation was determined to be:

- (1) correct
- (2) incorrect because:
 - the class designation should be allocated homestead in the amount of \$ _____
 - and non-homestead in the amount of \$ _____

Dismissal

- Your complaint has been dismissed because of your (or your representative's) willful neglect or refusal to attend this board's hearing or to be examined concerning your complaint or to answer questions relevant to your complaint. Where the court finds that a dismissal is warranted, no assessment reduction can be granted.

Additional Factors

Factors in addition to or other than those listed that affected the determination were:

NO SALES ON PROPERTIES TO COMPARE WITH
SHOWING ITS WORTH LESS

If you are dissatisfied with the determination of the Board of Assessment Review, you may seek judicial review of your assessment pursuant to Article 7 of the Real Property Tax Law (RPTL).

If you are the owner of one, two or three family residential structure and reside at such residence, or, if you are the owner of unimproved property which is not of sufficient size as determined by your assessing unit to contain a one, two or three family residential structure, you may seek small claims assessment review pursuant to Title 1-A of Article 7 of the RPTL. Petitions for judicial review must be filed within thirty (30) days of the last date allowed by law for the filing of the final assessment roll for your assessing unit, or the published notice of such filing, whichever is later. Petition forms for Small Claims Assessment Review may be obtained from the County Clerk's Office.

Vote on complaint

- All concur
- All concur except: (name) Mary Brannell
 - against
 - abstain
 - absent
- against
- abstain
- absent

5/23/13
Date

[Signature]
Chairperson, Board of Assessment Review (Signature)

Exhibit 13
AGENDA ITEM

Leon Brousseau, Assessor
Town of Black Brook
PO Box 715
Ausable Forks, NY 12912
518-647-5411
518-643-9670 (Home)
518-647-1294 (FAX)

11 September 2013

Mr. Robert W. Kelso
P.O. Box 223
Adirondack, NY 12808

Mr. Kelso,

I am writing to you to express my disappointment in your decision on the Town of Dannemora vs King case.

As you know, I was in Burlington with my wife that day. She was having an emergency quadruple bypass. She started having problems on the weekend prior to the hearing and I had no way to get in touch with you. I contacted the Clinton County Real Property Office first thing Monday morning and asked if they could present the case for me, as I would be unable to do so.

I thought that the documentation I had provided was sufficient to show that the assessment was fair. Mr. King had a new well put in, costing \$32,000, which was paid for by New York State. Therefore, he has water available to him, however, he apparently chooses not to use it. Your decision has now given Mr. King the best of both worlds; a lower assessment and a new well.

I wish we had someone to appeal to, but it looks like the system does not allow that yet. I am not expecting a response, but I wanted to express my opinion after being in the business for over 26 years. Thank you

Respectfully,



Leon Brousseau, Assessor

Exhibit - 13A

Jeff King
10 Plank Road
Ellenburg Depot, NY 12935

October 15, 2013

Mr. Robert W. Kelso
P O Box 223
Adirondack, NY 12808

Dear Mr. Kelso:

I am sorry that we have to revisit this issue of my recent court case and that we are taking up your time, but I feel it is very important that I respond to the recent letter sent to you by Mr. Leon Brousseau.

As you are aware, I did testify to both you and the assessment review board that the State of New York put in a water line from our brook to our barn for our animals, we have never had a new well drilled at our place, so Mr. Brousseau accusations are totally incorrect and if he had in fact, came to our property as we asked him to do back in 2012 he would of seen for himself that NO new well has been drilled. The state of New York has declined that option for all the contaminated residents as an option that will not work or solve the contamination. The system that was installed in our brook was designed by an Engineer, approved by NYSDOT, NYSDEC, APA and The Corps of Engineers all signed off on this project. I know of no home in NYS that residents are ask to drink untreated brook water and risk the chance of getting Beaver Fever since this brook runs through our pastures. And, why would NYSDOT continue to pay for bottled water to be delivered to us for drinking and cooking purpose if in fact, they had drilled a new well. Makes no sense what-so-ever. See we don't have the best of both worlds as he states in his letter to you, and I am totally confused

as to his vindictive actions of this letter and why he never stepped foot on our property or the properties of the other homeowners when asked to do so.

Therefore, I will be contacting the Head of the Assessors to see if something can be done about these false allegations and the total incompetence of Mr. Brousseau in this matter.

Again, I am so sorry to have to take up your time in dealing with this issue but I felt it necessary to make sure you knew what I testified to in court was accurate and can in fact be substantiated unlike Mr. Brousseau's false allegations.

Sincerely,

Jeff King



Bank
Letter

EXHIBIT 14

Cherlye

Tuesday, March 13, 2012 4:29 PM

From: "Tracey Coolidge" <TCoolidge@nbtbank.com>

To: cherylesaltmarsh@yahoo.com

Cherlye

If the water issue has been disclosed (such as on the realtor disclosure) or if the appraiser was aware of the water issue then a water test would be required and if it failed than you wouldn't be able do a mortgage.

Hope this helps.

Tracey L. Coolidge
Assistant Branch Manager
Lake Placid 361
Phone: (518) 523-9544
Fax: (518) 523-4262

Water Quality

NEW LAWS THEY ARE INTRODUCING TO PASS IN THE ASSEMBLY + SENATE

In response to a hearing held in September of last year, the Assembly passed the following legislation:

Private Well Testing

A.667-B (Jaffee)

Over one million residents of New York State get their drinking water from private wells. While laws require municipal water suppliers to test their water periodically, and to send residents an annual report on the quality of that water, there are no similar protections for private wells. As a result, people using private wells around the State are often unaware that there may be problems with their drinking water. This legislation would establish a private well testing program in New York State and require testing of private drinking water wells at the time of property transfer. Testing would include: bacteria (total coliform), nitrates, iron, manganese, pH, and all volatile organic compounds for which a maximum contaminant level has been established pursuant to public health regulations. This legislation passed the Assembly, but the Senate has not yet taken action.

Rockland Bergen Bi-State Watershed

Flood Protection Act

A.2206 (Zebrowski)

This legislation would create the Rockland Bergen Bi-State Watershed Flood Protection Act. It is intended to address the flood hazards along the various waterways that cross the interstate border region, with a focus on the Hackensack, Mahwah, Ramapo, Saddle Rivers and the Sparkill Brook/Creek. This legislation passed the Assembly, but the Senate has not yet taken action.

Seagrass Restoration Efforts

A.7988-A (Sweeney)

New York's seagrass beds are a vital habitat and nursery grounds for numerous commercially, recreationally and ecologically important fish and shellfish species. Seagrass beds used to be much larger, with some estimates of as much as 200,000 acres in 1930. Today only 21,803 acres remain. In 2006, the Legislature established the Seagrass Research Monitoring and Restoration Task Force to make recommendations on how to restore seagrass.

Both the Assembly and the Senate passed

legislation (A.10623 Rules, Cusick) to create the Internet System for Tracking Over-Prescribing Act (I-STOP) which, if signed into law by the Governor, would include provisions intended to strengthen the regulation of controlled substances and would also require the State Department of Health to establish a program to allow for the safe disposal of unused controlled substances anonymously.

Jamaica Bay Dredging

A.9871-A (Goldfeder)

Due to the increase in vessel size in recent years, waterways such as channels, berthing areas and harbors are being excavated in a process known as dredging to maintain sufficient depth for safe and efficient vessel operation. Jamaica Bay was dredged to supply soil for a number of construction projects and in the process borrow pits were created in the bay. These borrow pits have been identified as an attractive alternative for the disposal of dredge material. This legislation would restrict the types of dredged materials that could be placed in the borrow pits. Any dredged material would be required to: comply with federal unrestricted ocean dumping criteria; have been tested with test results indicating no unacceptable toxicity or bioaccumulation; demonstrate no potential short term (acute) impacts or long-term (chronic) impacts; and, require no special precautionary measures when being dumped. This legislation passed the Assembly, but the Senate has not yet taken action.

Long Island Water Quality

A.10584 Rules (Sweeney)

Long Island's groundwater aquifer is the sole source of drinking water for nearly three million residents of Nassau and Suffolk counties and is highly vulnerable to pollution. Because of the value of this resource to the public health and economic stability of the region, protection of Long Island's groundwater resources has been the subject of

Exhibit 15

WNBZ
March 2, 2009

Adirondack Council Releases Road Salt Report, Makes Recommendations

A report issued last week shows that road salt is causing widespread drinking water contamination and environmental damage throughout New York – naming Lake George and the Cascade Lakes as specific areas of concern.

The report, issued by the Adirondack Council last Monday, calls upon state and local officials to change policies regarding the ways road salt and other de-icing chemicals are used and stored.

Adirondack Council Executive Director Brian Houseal noted that some of the most popular tourist destinations in the Adirondack Park are in close proximity to roadways that are heavily salted for upwards of five months every year.

“The Cascade Lakes are mere inches from the edge of a steep, curvy and wind-swept Route 73,” Houseal said. “All of the trees and brush that once grew between the lakes and the road are now dead.”

Houseal blamed four decades of heavy salt use for the disappearance of the plants along Route 73. He added that the de-icing techniques have also left a layer of salt water at the bottom of the Cascade Lakes, causing harm to most native species.

Despite the reduced use of salt along that particular corridor, Houseal said greater efforts need to be employed elsewhere.

“This is only one place among thousands that are being damaged statewide,” he said.

Houseal explained that in Saranac Lake, a large uncovered salt pile near Lake Colby is threatening the lake’s health.

“Snow and rain are melting the salt into the water,” he said. “Which is slowly killing Lake Colby.”

Additionally, Lake George and Chazy Lake have seen chloride levels more than double between 1980 and 2000 – and according to Houseal, those numbers will only increase.

The report makes several recommendations to state and local governments regarding the reduction in use of salt and other harmful chemicals. Those recommendations include providing incentives to local governments to employ more

effective-icing measures prior to major snowstorms, thus reducing the need for de-icing after the storm.

Another recommendation seeks the expansion of the state's Road Weather Information System, which employs tiny, automated weather stations to report conditions back to central plow/salt truck dispatchers.

Houseal also noted that the New York State Department of Transportation should take on an expanded role in de-icing, as its equipment is more modern and its expertise surpasses that of local government crews.

According to Houseal, anti-icing measure help prevent ice from forming on the roadway, providing an alternative to melting the ice that has already formed. Roadside weather stations, like the locations on the Adirondack Northway, tell state road crews which specific locations need immediate attention, Houseal explained.

Another recommendation is the filing of risk assessments, allowing state and local officials to move away from the most harmful local practices by identifying them and directing employees to develop methods for avoiding them. Those methods include covering uncovered salt piles, moving storage sites away from bodies of water, and building new highway maintenance facilities far away from surface waters and significant underground water supplies.

Houseal said the most important recommendation the Adirondack Council can provide is public education and awareness.

"If the general public was aware of the damage we are doing to ourselves and our natural resources, they would be shouting for alternatives," he said. "More people might think twice about venturing on to an icy highway during a storm."

The 40-page report, entitled "Low Sodium Diet: Curbing New York's Appetite for Road Salt," can be viewed by visiting www.adirondackcouncil.org

-- Chris Morris, 3/2/09



Water: Clean Water Act 40th Anniversary

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The Clean Water Act: Protecting and Restoring our Nation's Waters

Forty years ago, in the midst of a national concern about untreated sewage, industrial and toxic discharges, destruction of wetlands, and contaminated runoff, the principal law to protect the nation's waters was passed. Originally enacted in 1948 to control water pollution primarily based on state and local efforts, the Federal Water Pollution Control Act, or Clean Water Act (CWA), was totally revised in 1972 to give the Act its current shape. The CWA set a new national goal "to restore and maintain the chemical, physical, and biological integrity of the Nation's waters", with interim goals that all waters be fishable and swimmable where possible. The Act embodied a new federal-state partnership, where federal guidelines, objectives and limits were to be set under the authority of the U.S. Environmental Protection Agency, while states, territories and authorized tribes would largely administer and enforce the CWA programs, with significant federal technical and financial assistance. The Act also gave citizens a strong role to play in protecting and restoring waters.

The CWA specifies that all discharges into the nation's waters are unlawful unless authorized by a permit and sets baseline, across-the-board technology-based controls for municipalities and industry. It requires all dischargers to meet additional, stricter pollutant controls where needed to meet water quality targets and requires federal approval of these standards. It also protects wetlands by requiring "dredge and fill" permits. The CWA authorizes federal financial assistance to states and municipalities to help achieve these national water goals. The Act has robust enforcement provisions and gives citizens a strong role to play in watershed protection. Congress has revised the Act, most notably in 1987, where it established a comprehensive program for controlling toxic pollutants and stormwater discharges, directed states to develop and implement voluntary nonpoint pollution management programs, and encouraged states to pursue groundwater protection. Notwithstanding these improvements, the 1972 statute, its regulatory provisions and the institutions that were created 40 years ago, still make up the bulk of [the framework for protecting and restoring the nation's rivers, streams, lakes, wetlands and coastal waters](#). (Link opens in a pop-up window)

[Read the full text of the Clean Water Act \(PDF\)](#) (190 pp, 1MB) [About PDF](#)

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Core Programs to Protect and Restore the Nation's Waters

Establishing the Standards to Measure Success

Water quality standards are the regulatory and scientific foundation of the CWA's water protection programs. Under the Act, states and authorized tribes establish water quality targets that define the goals and limits for waters within their jurisdictions. These standards are then used to determine which waters must be cleaned up, how much pollution can be discharged, and what is needed for protection. To help achieve these targets, EPA reviews and approves state and tribal standards; develops replacement standards where needed, and provides technical and scientific support for development of standards.

Identifying Polluted Waters and Developing Plans to Restore Them

Every two years states are required to assess the condition of surface waters and submit lists of those that are too polluted to meet water quality standards (called impaired waters). The Act requires that states establish priorities to address these impaired waters by developing water restoration plans (also known as Total Maximum Daily Loads or TMDLs). TMDLs identify pollutant load limits necessary to clean up the water to meet water quality standards and then quantify a pollutant "budget" for different sources of pollutants. This water restoration plan is then implemented via permit requirements and through a variety of other local, state or federal water protection programs.

Permitting Discharges of Pollutants from Point Sources

The National Pollutant Discharge Elimination System (NPDES) is one of the key regulatory tools available in the CWA to protect and restore the nation's waters. The law requires that any point source facility that discharges polluted wastewater into a body of water must first obtain a permit from the EPA or their designated representative (48 States and 1 Territory are delegated). Permits are issued once the operator of the facility shows that they are using the best available technology to reduce pollutants from their discharges. In addition, water quality standards have been established under the CWA as targets for individual bodies of water. These may also be used to require additional mitigation measures before issuing a permit if water quality targets have not been met. NPDES permitted sources include municipal and industrial wastewater, wet weather discharges including stormwater sources, combined sewer and sanitary sewer overflows, and large concentrated animal feeding operations.

Addressing diffuse, nonpoint sources of pollution

Prior to 1987, CWA programs were primarily directed at point source pollution. CWA Section 319 changed that by creating a new federal program that provides money to states, tribes, and territories for the development of programs to reduce pollution from unregulated, diffuse sources, such as agriculture. EPA grants are used to identify waters impaired by nonpoint sources, help stakeholders implement best management practices to reduce runoff, and monitor and evaluate progress to restore waters.

Protecting Wetlands

The CWA regulates the discharge of dredged or fill material into waters of the U.S., including wetlands. Activities regulated include fill for development, water resource projects (such as dams and levees), infrastructure development (such as highways and airports) and mining projects. The Act requires the issuance of a permit before dredged or fill material may be discharged into waters of the U.S., unless the activity is exempt (e.g., certain farming and forestry activities).

Protecting Coastal Waters through the National Estuary Program

The National Estuary Program (NEP) is a unique community-based program designed to restore and maintain the water quality and ecological integrity of 28 estuaries of national significance. The NEP uses an effective watershed-based ecosystem planning approach to connect upstream pollution sources with downstream impacts. The program operates through partnerships among federal, state and local agencies; nonprofit organizations; industry; academia; environmental and business groups; and community residents.

Protecting Large Aquatic Ecosystems

The CWA authorizes EPA to administer programs for 10 large aquatic ecosystems, such as South Florida, Gulf of Mexico and the Pacific Islands. These geographic-based programs involve private and public stakeholders to address specific problems, such as loss of habitat, polluted runoff and invasive species. Their activities include water quality monitoring, working with states to negotiate pollution controls, and educating citizens regarding the causes and cures for these environmental problems. EPA provides funding, guidance and technical support that builds the capacity of these programs to restore and protect their ecosystems with input from local partners.

Enforcement

The NPDES permit is the CWA's principal enforcement tool. EPA may issue a compliance order or bring a civil suit in U.S. district court when there are violations of the terms of a permit. Further, the CWA provides for substantial penalties for permit violators. The CWA also allows individuals to bring a citizen suit in U.S. district court against persons who violate a permit limit or standard. Individuals may also bring citizen suits against EPA's Administrator (or equivalent state official) for failure to carry out their duties as specified under the CWA.

The Watershed Approach

Evolution of CWA programs during the last 40 years has also included a shift from a program-by-program, source-by-source, pollutant-by-pollutant approach to a more integrated, place-based watershed protection strategy. Under the watershed approach, equal emphasis is placed on protecting healthy waters and restoring impaired ones, and a full array of issues are addressed, not just those subject to CWA regulatory authority. Involving multiple stakeholders at the state, tribal and local level to develop and implement strategies for achieving and maintaining state water quality and other environmental goals is another hallmark of this approach.

Financial Assistance

Federal law has authorized grants for planning, design and construction of municipal sewage treatment facilities since 1956, but Congress greatly expanded this Construction Grants Program in 1972 to help cities meet the CWA's new pollution control requirements. In 1987, Congress voted to phase out this direct grant program and replace it with the Clean Water State Revolving Fund. Under this financial approach, EPA provides annual capitalization grants to states, who in turn provide low interest loans for a wide variety of water quality improvement projects. States must match the federal funds. Some funds are also provided to territories and tribes to be used as grants for municipal wastewater treatment projects. Since its inception, in excess of \$84 billion has been provided via more than 28,000 agreements related to wastewater treatment, nonpoint source runoff, and watershed and estuary management. The CWA section 106 also authorizes additional federal grants to states, tribes and territories to support the development and operation of core CWA programs such as monitoring, developing water quality standards, wetlands and watershed planning.

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